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*Response
was filed
on June 19 01*

0590

2/26/01 16/D

Page 1 of 2

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/724,889	11/28/2000	Bryan Julien	300622003111

CONFIRMATION NO. 7394

FORMALITIES LETTER



OC000000007176654

Carolyn A. Favorito
Morrison & Foerster LLP
Suite 500
3811 Valley Centre Drive
San Diego, CA 92130-2332

Date Mailed: 12/10/2001

NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

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Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 05/21/2001 to the Notice to File Missing Parts (Notice) mailed 04/26/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- o This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- o For Rules Interpretation, call (703) 308-4216
- o To Purchase PatentIn Software, call (703) 306-2600
- o For PatentIn Softwar Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

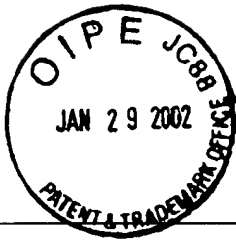
A copy of this notice MUST be returned with the reply.

A handwritten signature in cursive script, appearing to read "Mina", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



16/D

PATENT
Docket No. 300622003111

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231, on January 7, 2002.

Marian Christopher
Marian Christopher

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Bryan JULIEN et al.

Serial No.: 09/724,889

Filing Date: November 28, 2000

For: RECOMBINANT METHODS AND
MATERIALS FOR PRODUCING
EPOTHILONE AND EPOTHILONE
DERIVATIVES

Examiner: To be Assigned

Group Art Unit: 1652

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RESPONSE TO NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Notice of Incomplete Reply (Nonprovisional) mailed December 10, 2001, for which a response was due on June 26, 2001, and for which a response was filed on June 19, 2001.

Applicants submit herewith an additional copy of the Response filed on June 19, 2001, together with a copy of the return postcard submitted therewith, indicating receipt by the USPTO on June 22, 2001.

Applicants submit that the response filed on June 19, 2001, fully responds to the Notice to File Missing Parts dated April 26, 2001. Applicants further submit that due to the timely filing of the response, no extension of time fees are due herewith.

In the unlikely event that the transmittal letter is separated from this sequence listing and the U.S. Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this sequence listing to our Deposit Account No. 03-1952, referencing docket no. 300622003111. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: January 7, 2002

By:



Carolyn Favorito
Registration No. 39,183

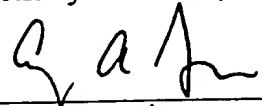
Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5195
Facsimile: (858) 720-5125



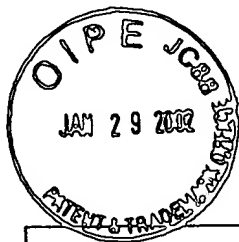
Dated: June 19, 2001

Respectfully submitted,

By: _____


Carolyn A. Favorito
Registration No. (39,183)

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5195
Facsimile: (858) 720-5125



PATENT
Docket No. 300622003111

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
BOX SEQUENCE, Assistant Commissioner for Patents, Washington, D.C. 20231, on June 19, 2001.

U. Brava
Irina Brava

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Bryan JULIEN et al.

Serial No.: 09/724,889

Filing Date: November 28, 2000

For: RECOMBINANT METHODS AND
MATERIALS FOR PRODUCING
EPOTHILONE AND EPOTHILONE
DERIVATIVES

Examiner: To be Assigned

Group Art Unit: 1652

TRANSMITTAL

BOX SEQUENCE
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Attached hereto for filing are the following:

1. Response to the Notice to file missing parts of nonprovisional application
2. Copy of the Notice to file missing parts of nonprovisional application
3. Version with markings to show changes made
4. Paper copy of the Sequence Listing

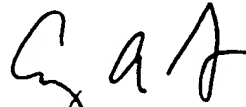
5. Request to use computer readable form from another application
6. Return postcard

In the unlikely event that the Patent Office determines that extensions and/or other relief is required, applicant petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or fees due to our Deposit Account No. 03-1952 under Order No. 300622003111. The Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: June 19, 2001

By:



Carolyn A. Favorito
Registration No. (39,183)

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5195
Facsimile: (858) 720-5125



Docket No.: 300622003111	Atty: CAF / kdl
Serial No.: 09/724,889	Filing Date: November 28, 2000
Title: RECOMBINANT METHODS AND MATERIALS FOR PRODUCING EPOTHILONE AND EPOTHILONE DERIVATIVES	
Date of Mailing: June 19, 2001, via First Class Mail	

Papers enclosed herewith:

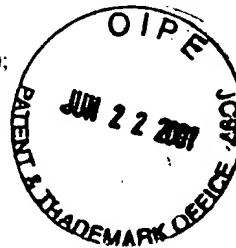
1. Transmittal (2 pages);
2. Response to the Notice to file missing Parts of nonprovisional application (9 pages);
3. Copy of Response to the Notice to file missing Parts of nonprovisional application (2 pages);
4. Version with markings to show changes made (1 page);
5. Paper copy of the Sequence Listing (27 pages);
6. Request to use computer-readable form from another application (2 pages);
7. Return Postcard

AKB

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JUL 17 2001

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SAN DIEGO



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Attachment to Notice of Incomplete Reply

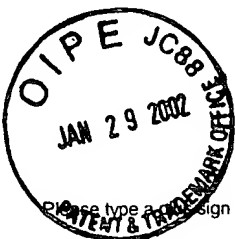
This is in response to Applicant's remarks regarding sequence rule compliance in the instant application. An application that contains generic techniques to determine DNA sequence information such as DNA molecule length or nucleotide composition, without disclosing specific sequences, would not have to comply with the sequence rules. The instant application, however, also discloses specific sequences. The facts that no sequences are claimed and any specific sequence mentioned would be used solely for illustrative purposes and not represent a novel sequence disclosure are immaterial. Any sequence that is disclosed must be submitted in accordance with 37 CFR 1.821-825. That is the meaning of the "exclusively" language.

Sequences were found at page(s) 19, 73, and/or Figure ____.

79-103

113-114

118, 120-121



PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

48
48

Application Number

09/724,889

Filing Date

28 November 2000

First Named Inventor

Bryan Julien

Group Art Unit

1652

Examiner Name

To be Assigned

Attorney Docket No.

300622003111

ENCLOSURES (check all that apply)☐ Fee Transmittal Form (orig. + dup.)☐ Assignment Papers
(for an Application)☐ After Allowance Communication to
Group☐ Fee Attached☐ Drawing(s) (pages)☐ Appeal Communication to Board of
Appeals and Interferences☐ Amendment / Reply (2 pages)☐ Licensing-related Papers☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ After Final☐ Petition to Correct Inventorship☐ Proprietary Information☐ Affidavits/declarations☐ Petition to Convert to a
Provisional Application☐ Status Letter☐ Extension of Time Request (1 page)☐ Power of Attorney, Revocation
Change of Correspondence Address☒ Other Enclosure(s) (please identify
below):☐ Express Abandonment Request☐ Terminal Disclaimer1. Copy of Postcard dated June 19, 2001
(1 page);☐ Information Disclosure Statement
(4 pages)☐ Request for Refund2. Copy of Response to Notice to file
missing parts of nonprovisional application
filed June 19, 2001, including: transmittal;
amendment; request to use computer
readable form from another application in
accordance with 37 C.F.R. § 1.821(E), and
paper copy of sequence listing; (total of 41
pages);☐ Certified Copy of Priority Document(s)

Remarks

3. Copy of Notice of Incomplete Reply
(3 pages); and☒ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

4. Return Postcard

SIGNATURE OF APPLICANT, ATTORNEY OR AGENTFirm
or
Individual NameCarolyn Favorito
Registration No. 39,183

Signature

Date

January 7, 2002

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231, on January 7, 2002.

Marian Christopher

MORRISON & FOERSTER LLP

3811 Valley Centre Drive, Suite 500
SAN DIEGO, CA 92130-2332

Box MISSING PATENTS
Assistant Commissioner for Patents
Washington, D.C. 20231

